

In re) Fair Hearing No. 16,789
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Appeal of)

The petitioner appeals a decision by the Department of PATH terminating his health coverage under VHAP based on excess income and the fact that he is presently covered under his wife's health insurance through her employment.

3. The Department has notified the petitioner that he will be no longer be eligible for VHAP due to excess income and his coverage under his wife's policy. The Department allowed deductions from the petitioner's household income of \$200, the maximum allowed for child care, leaving him with a net countable household income of \$1,757 a month, which is

¹ His son receives medical coverage through the Dr. Dynasaur program.

slightly over the program maximum of \$1,735 for a two-person household.

ORDER

The decision of the Department is affirmed.

REASONS

The VHAP regulations count gross unearned income in determining eligibility subject only to specific deductions found in the regulations. W.A.M. § 4001.81. Under the VHAP program, gross unearned income can be subjected to a deduction of up to \$200 for child care. W.A.M. § 4001.81(f). Remaining income is compared with the VHAP maximum, which is 150% of the poverty line. W.A.M. § 4001.84. The current maximum for a two-person household under VHAP is \$1,735. P-2420(B)(6).

Even though the petitioner's net income is only \$22 over the maximum, he cannot be found eligible for VHAP. Even if he was income eligible for the program, however, the regulations provide that individuals who have "other insurance that includes both hospital and physician services" are not eligible for VHAP. W.A.M. § 4001.2. Inasmuch as the petitioner does not dispute either factual basis of the Department's determination of ineligibility, the Board is

bound by law to affirm. 3 V.S.A. § 3091(d), Fair Hearing Rule
No. 17.

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